

## SENATE BILL No. 444

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-18.5-22; IC 36-3; IC 36-6; IC 36-8-8.

**Synopsis:** Consolidation of Marion County fire departments. Provides that on January 1, 2010, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county containing the consolidated city. (2) A fire protection territory in the county containing the consolidated city. Provides that a transfer of duties between units of government results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Requires the consolidated fire department to develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. Requires the mayor of the consolidated city to establish a professional standards board with responsibility after December 31, 2009, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. Provides that the requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards. Specifies that a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Establishes a maximum property tax levy for the consolidated city for property taxes payable in 2010, (Continued next page)

**Effective:** July 1, 2009.

**Merritt**

January 14, 2009, read first time and referred to Committee on Local Government.



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2011, and 2012 that is the sum of the city's 2010 maximum levy plus the combined amounts levied in 2009 by the townships for firefighting. Specifies that the balance in the cumulative building and equipment fund for fire protection and related services of each entity whose fire department is consolidated into the fire department of the consolidated city be transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services. Provides that the fire department of an excluded city in Marion County may provide fire protection in any area that: (1) is in the township in which the excluded city is located; and (2) is being served by the township fire department. Specifies that the fire department of an excluded city may provide fire protection under this provision only if: (1) the mayor and legislative body of the excluded city; and (2) the township legislative body; agree that the fire department of the excluded city shall provide fire protection in that area. Provides that the approval of the agreement by the township trustee is not required. Specifies that if the fire department of the excluded city provides fire protection under this provision in any area of the township, the fire department of the consolidated city is not responsible for providing fire protection in that area of the township.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 444

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: **Sec. 22. (a) The ad valorem property**  
4 **tax levy limits imposed by this chapter do not apply to ad valorem**  
5 **property taxes imposed by a consolidated city to pay or fund any**  
6 **indebtedness assumed, defeased, paid, or refunded under**  
7 **IC 36-3-1-6.1.**  
8 **(b) For purposes of this section:**  
9 **(1) "consolidating entity" means:**  
10 **(A) a township; or**  
11 **(B) a fire protection territory;**  
12 **whose fire department is consolidated into the fire**  
13 **department of a consolidated city under IC 36-3-1-6.1; and**  
14 **(2) "maximum levy" means the maximum permissible ad**  
15 **valorem property tax levy under section 3 of this chapter.**



(c) The maximum levy of a consolidated city for property taxes first due and payable in 2010, 2011, and 2012 is the sum of:

(1) the maximum levy of the consolidated city for property taxes first due and payable in 2010 determined without regard to this section; plus

(2) the amount equal to the combined property tax levies of each consolidating entity for property taxes first due and payable in 2009 for fire protection and related services.

(d) The maximum levy for property taxes first due and payable in 2010 is reduced for each consolidating entity other than a township by the amount equal to the property tax levy of the consolidating entity for taxes first due and payable in 2009 for any services and operations for which responsibility is transferred to the consolidated city in 2010.

(e) The maximum levy of a consolidating entity that is a township for the township's firefighting fund for property taxes first due and payable after 2009 is zero (0).

(f) For purposes of determining the maximum levy for property taxes first due and payable in 2013 for an entity for which the maximum levy determined under this section for property taxes first due and payable in 2012 is greater than zero (0), the maximum levy to be used in:

(1) STEP ONE of section 3(a) of this chapter; or

(2) STEP ONE of section 3(b) of this chapter;

is the maximum levy determined under this section for the entity for property taxes first due and payable in 2012.

SECTION 2. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, The following fire departments of the following are consolidated into the fire department of a the consolidated city (referred to as "the consolidated fire department") on January 1, 2010:

(1) The fire department of a township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in the county containing the consolidated city, regardless of whether the fire department is operated by the township or by another political subdivision.

(2) The fire department of any fire protection territory established under IC 36-8-19 that is located in a township

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described in subdivision (1).

(b) ~~If the requirements of subsection (g) are satisfied; After December 31, 2009,~~ the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: **the county (excluding any excluded city).**

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; All of the property, equipment, records, rights, and contracts of ~~the each~~ department consolidated into the fire department of the consolidated city are:

- (1) transferred to; or
- (2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. **Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited to the consolidated city's cumulative building and equipment fund for fire protection and related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.**

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; The employees of ~~the a~~ fire department **listed in subsection (a) that is** consolidated into the fire department of the consolidated city cease employment with the department ~~of the entity~~ listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) ~~If the requirements of subsection (g) are satisfied and the fire~~

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department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; the Indebtedness related to fire protection services incurred before the effective date of the consolidation by ~~the an entity whose fire department is consolidated into the consolidated fire department under subsection (a),~~ or a building, holding, or leasing corporation on behalf of the entity, ~~whose fire department is consolidated into the consolidated fire department under subsection (a)~~ shall remain the debt of the entity and does not become and may not be assumed, **defeased, paid, or refunded** by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), **the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.**

(g) Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(h) The rights of trustees and bondholders with respect to any:  
 (1) bonds or other indebtedness described in subsection (e); or  
 (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);  
 remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; (i) The merit board and the merit system of ~~the each~~ fire department that is consolidated **into the fire department of the consolidated city** are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township

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trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(h)~~ **(j)** The following apply if the requirements of subsection (g) are satisfied: **after a fire department listed in subsection (a) is consolidated into the fire department of the consolidated city:**

~~(1)~~ The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(2)~~ **(1)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

~~(3)~~ **(2)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the

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fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ (3) For property taxes first due and payable in the **first calendar** year in which **property taxes are first due and payable based on** the consolidation, ~~is effective~~; the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 **for:**

(A) ~~is increased~~ for the consolidated city; by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) ~~is reduced~~ for the township **entity** whose fire department is consolidated into the fire department of the consolidated city under this section; by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

**is determined under IC 6-1.1-18.5-22.**

~~(5)~~ (4) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for **balance in** the township's cumulative building and equipment fund for fire protection and related services **of a township whose fire department is consolidated into the fire department of the consolidated city** is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services. **as provided in subsection (c).**

~~(6)~~ (5) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of ~~the township~~ **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by

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the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or

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improved service levels; and  
 (B) any tax shifts among taxpayers;  
 that result from the consolidation. The independent evaluation  
 and performance audit must be provided to the legislative council  
 in an electronic format under IC 5-14-6 and to the state budget  
 committee.

(k) For a township that consolidated its fire department into the  
 fire department of the consolidated city before July 1, 2009, this  
 section and IC 6-3.5-6-18.5 apply to the consolidation to the extent  
 this section and IC 6-3.5-6-18.5 do not conflict with:

(1) the consolidation ordinances adopted by the consolidated  
 city and the township; or

(2) any consolidation agreement between the consolidated city  
 and the township.

(l) Before January 1, 2010, the consolidated fire department  
 shall develop a strategic plan to determine resource requirements  
 and resource deployments for the consolidated fire department.  
 The consolidated fire department shall determine the resource  
 requirements and resource deployments based on the risk  
 assessment models promulgated by the Center for Public Safety  
 Excellence, Inc., or a successor entity. The consolidated fire  
 department must:

(1) update the strategic plan at least once every three (3)  
 years; and

(2) annually report to the legislative body of the consolidated  
 city concerning the implementation of the strategic plan.

SECTION 3. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,  
 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2009]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is  
~~established~~ **consolidated** under section 6.1 of this chapter, the  
 consolidated city, through the consolidated fire department, shall after  
 the consolidation establish, operate, and maintain emergency  
 ambulance services (as defined in IC 16-18-2-107) in the fire special  
 service district and in those townships in the county that are  
 consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency  
 ambulance services **by contract or** under an interlocal agreement  
 under IC 36-1-7.

SECTION 4. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE  
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 1, 2009]: **Sec. 6.3. (a) This section applies only in a county having  
 a consolidated city.**

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(b) Notwithstanding section 6.1 of this chapter, IC 36-6-4-3, or any other provision, and subject to the agreement required by subsection (c), the fire department of an excluded city may provide fire protection in any area that:

- (1) is in the township in which the excluded city is located; and
- (2) is served by the township fire department on the date an agreement under subsection (c) is approved.

(c) The fire department of an excluded city may provide fire protection under this section in any area of the township described in subsection (b) only if:

- (1) the mayor and legislative body of the excluded city; and
- (2) the township legislative body;

agree that the fire department of the excluded city shall provide fire protection in that area.

(d) To enter into an agreement under subsection (c):

- (1) the legislative body of the city must adopt an ordinance (approved by the mayor); and
- (2) the township legislative body must adopt a resolution;

specifying the terms under which the excluded city shall provide fire protection. The approval by the township trustee of the resolution under subdivision (2) is not required.

(e) Notwithstanding section 6.1 of this chapter, if the fire department of an excluded city provides fire protection under this section in any area of the township, the fire department of the consolidated city is not responsible for providing fire protection in that area of the township.

SECTION 5. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.4. (a) The executive of the consolidated city shall establish a professional standards board with responsibility after December 31, 2009, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. The emergency responder certification and credentialing requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards.

(b) The professional standards board shall before January 1, 2010, establish the following for each emergency responder position within the consolidated fire department:

- (1) Minimum initial certification and credentialing requirements.

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(2) Experience and competency requirements.

(3) Continuing education requirements.

(4) Performance criteria.

(5) Recertification requirements.

(c) After December 31, 2009, a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders.

SECTION 6. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6. Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1 in the name of:**

(1) a township;

(2) a fire protection territory; or

(3) a building, holding, or leasing corporation on behalf of a township or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

SECTION 7. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

#### **Chapter 1.1. Transfer of Township Services**

**Sec. 1. This chapter applies only to a county having a consolidated city.**

**Sec. 2. The functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services are transferred to the county on January 1, 2010.**

**Sec. 3. The balance on January 1, 2010, in a debt service fund of a township that relates to debt incurred for firefighting purposes:**

(1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

**Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.**

**Sec. 4. (a) The balance on January 1, 2010, in a township's firefighting fund:**

(1) is transferred to the consolidated city; and

(2) shall be deposited in the general fund of the consolidated

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city.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

**Sec. 5. The maximum permissible ad valorem property tax levy of the township, the consolidated city, and the county are adjusted under IC 6-1.1-18.5-22 to reflect the transfers under this chapter.**

SECTION 8. IC 36-6-4-3, AS AMENDED BY P.L.2-2008, SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION 709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- ~~(9) Act as township assessor when required by IC 36-6-5.~~
- ~~(10)~~ (9) Provide and maintain cemeteries under IC 23-14.
- ~~(11)~~ (10) Provide fire protection under IC 36-8, except in a township: ~~that:~~
  - (A) ~~that~~ is located in a county having a consolidated city; and
  - (B) ~~whose fire department is consolidated the township's fire department~~ under IC 36-3-1-6.1.
- ~~(12)~~ (11) File an annual personnel report under IC 5-11-13.
- ~~(13)~~ (12) Provide and maintain township parks and community centers under IC 36-10.
- ~~(14)~~ (13) Destroy detrimental plants, noxious weeds, and rank vegetation under ~~IC 15-3-4. IC 15-16-8.~~
- ~~(15)~~ (14) Provide insulin to the poor under IC 12-20-16.
- ~~(16)~~ (15) Perform other duties prescribed by statute.

SECTION 9. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township

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legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1**, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1**, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 10. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

**(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:**

**(A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

**(B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

~~(4)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(5)~~ **(5)** For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

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(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

**(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:**

**(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

**(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

SECTION 11. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this

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chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during

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the employment described in subdivision (2); and  
 (4) ceased employment with the political subdivision and was  
 hired by the unit's fire department due to the reorganization of  
 emergency medical services within the department's jurisdiction;  
 shall participate in the 1977 fund. A firefighter who participates in the  
 1977 fund under this subsection is subject to sections 18 and 21 of this  
 chapter.

(h) A police officer or firefighter does not become a member of the  
 1977 fund and is not covered by this chapter if the individual was  
 appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or  
 (2) a police chief under a waiver under IC 36-8-4-6.5(c);  
 unless the executive of the unit requests that the 1977 fund accept the  
 individual in the 1977 fund and the individual previously was a  
 member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before  
 July 1, 1996, who is a member of a police department in a second or  
 third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:  
 (1) completed at least the number of weeks of training at the  
 Indiana law enforcement academy or a comparable law  
 enforcement academy in another state that were required at the  
 time the park ranger attended the Indiana law enforcement  
 academy or the law enforcement academy in another state;  
 (2) graduated from the Indiana law enforcement academy or a  
 comparable law enforcement academy in another state; and  
 (3) is employed by the parks department of a city having a  
 population of more than one hundred twenty thousand (120,000)  
 but less than one hundred fifty thousand (150,000);  
 is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police  
 officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation  
 under IC 36-3-1-5.1 or IC 36-3-1-6.1;  
 (2) whose employer is consolidated into the consolidated law  
 enforcement department or the fire department of a consolidated  
 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and  
 (3) who, after the consolidation, becomes an employee of the  
 consolidated law enforcement department or the consolidated fire  
 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under  
 sections 19 and 21 of this chapter.

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(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

~~(2)~~ (B) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation;

**and**

**(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).**

SECTION 12. [EFFECTIVE JULY 1, 2009] **The general assembly finds the following:**

**(1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.**

**(2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.**

**(3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.**

**(4) By virtue of its size, population, absence of unincorporated**

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1 areas, overlapping territories, and development to and across  
 2 the boundaries of contiguous governmental territories, there  
 3 is less need for differentiation of local governmental services  
 4 within the separate governmental territories located within a  
 5 county having a consolidated city, but rather the local  
 6 governmental service needs are similar and more uniform  
 7 within and across a county having a consolidated city.

8 (5) The provision of local governmental services by multiple  
 9 governmental entities with overlapping territories, and by  
 10 governmental entities with contiguous territories with less  
 11 meaningful boundaries, results in disparate levels of local  
 12 governmental services within a county having a consolidated  
 13 city and results in the inefficient and poor use of taxpayer  
 14 dollars.

15 (6) As the state capital and a center for professional sporting  
 16 events, tourism, and culture in central Indiana, the  
 17 consolidated city faces unique demands for protecting  
 18 governmental property and securing the safety of large  
 19 numbers of residents and visitors, which require innovative  
 20 approaches to public safety resources.

21 (7) If public safety resources are consolidated, residual  
 22 services provided by townships are limited and can more  
 23 effectively and uniformly be performed through consolidation  
 24 at the city or county level.

25 (8) Substantial operational efficiencies, reduction of  
 26 administrative costs, and economies of scale may be obtained  
 27 in a consolidated city through consolidation of certain county,  
 28 city, and township services and operations.

29 (9) Consolidation of certain county, city, and township  
 30 services and operations in the consolidated city will serve the  
 31 public purpose by allowing the consolidated city to:

32 (A) eliminate duplicative services;

33 (B) provide better coordinated and more uniform delivery  
 34 of local governmental services;

35 (C) provide more unified tax rates; and

36 (D) allow local governmental services to be provided more  
 37 efficiently and at a lower cost than without consolidation.

38 (10) Efficient and fiscally responsible operation of local  
 39 government benefits the health and welfare of the citizens of  
 40 a consolidated city and is of public utility and benefit.

41 (11) The public purpose of this act is to provide a consolidated  
 42 city with the means to perform essential governmental

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1           services for its citizens in an effective, efficient, and fiscally  
 2           responsible manner.  
 3           SECTION 13. [EFFECTIVE JULY 1, 2009] (a) The legislative  
 4           services agency shall prepare legislation for introduction in the  
 5           2010 regular session of the general assembly to organize and  
 6           correct statutes affected by this act, if necessary.  
 7           (b) This SECTION expires July 1, 2010.

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